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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,760	09/22/2003	Ming Huang	BP3024-H47-P8	7999
7590	05/20/2005			EXAMINER SOHN, SEUNG C
Ming Huang 235 Chung-Ho, Box 8-24 Taipei, TAIWAN			ART UNIT 2878	PAPER NUMBER

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,760	HUANG, MING	
	Examiner	Art Unit	
	Seung C. Sohn	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 2, line 14, "from the through" does not make sense.

On page 3, line 11. "Figs. 1" should be changed to – Fig. 1 –

On page 3, line 13, "Fig. 3" should be changed to – Fig. 1 --.

On Page 3, line 14, "an upper tube pen tube 10" should be changed to – an upper tube pen 20 --.

On page 3, lines 14-15, "a lower pen tube 20" should be changed to – a lower pen tube 10 --.

On page 3, line 22, "The lower pen tube 20" should be changed to – The lower pen tube 10 --.

On page 7, line 12, "Fig. 4" should be changed to – Fig. 5 --.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

On claim 1, the 2nd last line, "from the through" does not make sense.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ***Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (Patent No. US 6,238,057).***

Regarding claim 1, Chen shows in Figs. 1-2 an upper pen tube (7) and a lower pen tube (5 & 6); the upper pen tube including a light emitting device (2), and a push-and-brake device (4) for driving the light emitting device to move; the lower pen tube including an outer tube (5 & 6), an inner tube (Fig. 4, 52, i.e., water chamber) in the outer tube, a refill (71) in the inner tube, an resilient spring in the inner tube and below the refill, and a light guide tube (54, i.e., liquid) in the inner tube and being passed by an upper section of the refill; wherein a top of the light guide tube resists against a lower end of the light emitting device; a surface of the inner tube is coated with film (55, i.e., display item) having advertising patterns or texts thereon; the film includes two parts with one part being a transparent surface and another part being an opaque surface for printing with pattern or texts; the transparent surface has no pattern or text thereon; when the light emitting device lights up, light transmits into the inner tube through the light guide tube and then emits out from the inner tube; the light emits from the through the outer tube to radiate into a paper to be written (Cols. 2-3).

Regarding claim 2, Chen shows in Figs. 1-2 that predetermined parts of a lower end of an outer tube of the upper pen tube are hollowed to form a pattern and a position of the pattern is aside the light emitting device.

Regarding claim 3, Chen shows in Fig. 2 that the light guide tube is integrally formed with the refill.

Regarding claim 4, Chen shows in Fig. 2 that the patterns or textures on the film are concave or convex from a surface of the film.

Regarding claim 5, Chen shows in Fig. 1 that the film (55) on the surface of the inner tube is above a section (6) which is held by fingers of a writer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (571) 272-2446. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seung C. Sohn
Examiner
Art Unit 2878

